

### **REMARKS**

This responds to the Office Action dated June 9, 2011.

Claim 246 was amended, claims 139-143 are canceled, and no claims are added; as a result, claims 68-97, 99-103, 105-138, and 246-247 are now pending in this application.

#### **Inventorship**

This application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. A consent of the assignee in compliance with 37 CFR 1.172 and 3.73 is being submitted with this response. It is respectfully requested that the objection be withdrawn.

#### **Declaration**

The reissue oath/declaration filed with this application is defective as failing to contain a statement that all errors which are being corrected in the reissue application up to the time of filing of the oath/declaration arose without any deceptive intention on the part of the applicant. See 37 CFR 1.175 and MPEP § 1414. A substitute reissue declaration is being submitted with this response. It is respectfully requested that the objection be withdrawn.

#### **Specification Objections**

All related reissue applications are required to be identified in a reissue application. MPEP 1451 - the reissue application must identify each of the related reissue applications and their family relationship within the family of reissue applications. The specification has been amended. It is respectfully requested that the objection be withdrawn.

#### **The Rejection of Claims Under § 101**

Claim 246 is rejected under 35 U.S.C. § 101. Claim 246 has been amended to recite "machine-readable non-transitory storage medium." Claim 246 has been amended to include the

limitations of a “non-transitory storage medium embodying a sequence of instructions that...”. In view of the amendment it is respectfully requested that the rejection be withdrawn.

*The Rejection of Claims Under § 112*

Claims 139-143 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In order to expedite allowance and issuance of this application claims 139-143 have been cancelled. It is respectfully requested that the rejection be withdrawn.

Applicant has not cancelled claims 139-143 for reasons of patentability and reserve the right to pursue the subject matter of these claims in one or more continuing applications.

*Allowable Subject Matter*

Applicant thanks the Examiner for identifying claims 68-97, 99-103, 105-138, and 246-247 as allowable in view of the prior art of record.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4052 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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